

# DOMESTIC VIOLENCE PREVENTION GUIDELINES

**FOR  
STATE EMPLOYEES**



STATE OF UTAH  
OFFICE OF THE GOVERNOR  
STATE CAPITOL COMPLEX  
EAST OFFICE BUILDING SUITE E330  
PO BOX 142330  
SALT LAKE CITY, UTAH 84112-2330

The Utah Violence Against Women and Families Cabinet Council updated this handbook. Great appreciation is extended to the following individuals who contributed to this project: Ned Searle, Kris Knowlton, Sharon Daurelle, Dawn Hollingsworth, Dorothy Hall, Teresa Brechlin, Suzanne Rainwater, and Brent Johnson.

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**FOR MORE INFORMATION CONTACT:**

Ned Searle, Director  
Office on Violence Against Women and Families  
**State Capitol Complex**  
**East Office Building Suite E330**  
**PO Box 142330**  
**Salt Lake City, Utah 84112-2330**  
Telephone: (801) 538-1549  
FAX: (801) 538-1024  
nsearle@utah.gov

# EXECUTIVE ORDER

## Violence Against Women in the Workplace

**WHEREAS**, the term violence against women is defined as any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life; and

**WHEREAS**, specifically, domestic violence is defined as a pattern of coercive tactics that can include physical, psychological, sexual, and emotional abuse, perpetrated by one person against a cohabitant, with the goal of control and power over the victim; and

**WHEREAS**, specifically, sexual violence is defined as one person forcing another person to have sex, or perform sexual acts, through coercion, manipulation, threats, physical restraint or physical violence; and

**WHEREAS**, the Violence Against Women and Families Cabinet Council has been established to assist in the coordination and prevention of domestic and sexual violence against all individuals living and working in the State of Utah.; and

**WHEREAS**, we have a general duty to provide a work environment that is safe from all forms of violence including violence against women perpetrated within the workplace; and

**WHEREAS**, we must not tolerate harassment of state employees within state offices, facilities, work sites, or vehicles, or the display of violent, aggressive, or threatening behavior that results in physical or emotional injury to any employee;

**NOW THEREFORE**, I, Jon M. Huntsman Jr., Governor of the State of Utah, prohibit violence against women in each workplace in which state employees and employees of public and higher education are required to conduct business and order the director of each department in state government to establish a policy prohibiting violence against women in the workplace.

The policy shall contain:

1. a statement of zero tolerance for domestic and sexual violence in the workplace;

2. carefully designed procedures to protect the rights and address the needs of employees who are victims of domestic and sexual violence to include:
  - establishment of safety procedures;
  - protection of privacy and confidentiality;
  - access to information for personal counseling or to the department Employee Assistance program where available;
  - adjustments in work schedule and use of leave consistent with Department of Human Resource Management rule R477-8;
3. a prohibition on the use of state facilities, resources, or time to facilitate and perpetuate domestic and sexual violence;
4. a provision for the discipline of employees who violate this policy consistent with Department of Human Resource Management rule R477-11;
5. access to information for personal counseling or to the department Employee Assistance program where available for employees who are perpetrators and who voluntarily seek assistance;
6. training for managers and supervisors on prevention and appropriate response to domestic and sexual violence that impacts or disrupts the workplace;
7. any other provision that appears to the department director to materially further the purposes of this order.

This Executive Order supercedes and replaces “Domestic Violence in the Workplace” dated the 4<sup>th</sup> day of June, 1999.

IN WITNESS WHEREOF, I have here unto set my hand and cause to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 28<sup>th</sup> day of April 2005.

Jon M. Huntsman Jr.  
Governor

Attest:

Gary Herbert  
Lieutenant Governor

# INTRODUCTION

## **NO ONE DESERVES TO BE ABUSED**

It is against the law for anyone to beat or physically hurt another person, no matter how the two people are related. You also do not deserve to be emotionally, mentally, or verbally abused by a loved one.

This handbook is about domestic violence. You may want to read it straight through or you may want to begin with the parts that apply to you now. Hold on to this handbook; go back to it; use it.

The purpose of this handbook is to provide basic information for state employers and employees. This information and other support including State Department Domestic Violence Policies, can be obtained by clicking on the "Domestic Violence Policies" icon located on your computer desk top.

## DEFINITIONS

**Domestic Violence/Abuse:** Violent conduct or coercive tactics perpetrated against a cohabitant. Domestic violence may include stalking or various kinds of abuse including physical, psychological, sexual, economic, and emotional abuse. Domestic violence may be a single event or a pattern of conduct.

**Abuser/perpetrator:** An individual who abuses or stalks a cohabitant.

**Victim:** A cohabitant stalked or abused by an abuser.

**Cohabitant:** An emancipated person as defined by section 15-2-1 of the Utah Code (under 18 and married) or a person 16 years of age or older who:

- is or was a spouse of the other party;

- is or was living as if a spouse of the other party;
- is related by blood or marriage to the other party;
- has one or more children in common with the other party; is the biological parent of the other party's unborn child; or resides or has resided in the same residence as the other party.

*The Cohabitant relationship does not include the relationship of a minor to his/her parents (natural, adoptive or step) or the relationship among minor siblings.*

**Domestic Violence Perpetrator Treatment Provider:** A licensed treatment provider for Domestic Violence Outpatient Perpetrator Treatment provides therapy designed to eliminate violence in intimate relationships, to stop other forms of abusive behavior and to increase victim safety. Standards require at least one hour of counseling per week for a minimum of sixteen (16) weeks. Anger management is not domestic violence treatment although anger management may be a part of domestic violence treatment. Domestic violence is not just about anger; it is about power, control, domination, and fear.

## **SCOPE OF THE PROBLEM**

Domestic violence is a universal societal problem with consequences reaching far beyond the realm of the family. Domestic violence is not a private family matter; it has a devastating effect on the victims, their children, communities and the workplace, whether or not it rises to the level of criminal conduct. All persons have a basic right to feel safe from harm at all times, especially in their homes, schools, communities and during the conduct of business in the workplace.

Domestic violence crosses the lines of socio-economic status, race, gender, sexual orientation, age, religious affiliation, physical and mental disabilities, immigrant status, education,

employment status, urban vs. rural residency, and marital status.

## **PATTERN OF ABUSE**

Although it is most obvious when abusive cohabitants commit physical assault, domestic violence is best understood as an abuser's pattern of coercive behavior that serves to establish and maintain power and control over family, household members, or intimidate other persons.

### **AN ABUSER MAY MAINTAIN CONTROL OVER ANOTHER**

- Through the use of a variety of coercive tactics that can include physical, psychological, sexual, economic, and emotional abuse;
  1. Early abuse is often non-physical or non-criminal.
  2. Emotional abuse includes isolation, financial control, and animal abuse.
  3. Non-physical or non-criminal abuse still must be taken seriously as it not only can cause serious emotional and psychological harm to all family members, but is often a precursor to physical violence.
- Through criminal conduct such as threats or harassment in person or by phone, stalking, assault, etc.
- Through deception, manipulation, and denial.

Over time, abusers typically escalate both the frequency and/or severity of their abuse, including an escalation in the severity of their physical assaults. Once abusers use physical violence, they are likely to intensify their assaults over time, increasing the victim's risk of harm, including serious life-threatening injuries or even death.

- *As abusers intensify their use of physical violence, their potential for killing their partner increases.*

Because the pattern of abusive tactics most often follows a predictable course, the more individuals become skilled at recognizing the pattern of abuse in its early stages, the more opportunity there is to intervene and provide assistance early on.

- Early intervention may prevent illness, injury, and even death by increasing victims' safety and reinforcing abusers' accountability for their coercive and violent behavior.

## **POLICY**

### **I. Domestic Violence Prevention Training**

State agencies/departments will use early intervention and awareness strategies as a first line of defense in order to avoid or minimize the occurrence and effects of domestic violence in the workplace.

#### **A. New Employees, Transfer Employees, Volunteers, or Interns**

Supervisors will provide new employees, volunteers or interns with the brochure entitled "Domestic Violence Prevention Guidelines for State Employees".

#### **B. Management**

1. Training on domestic violence and its impact on the workplace shall be encouraged for managers, supervisors, and employee assistance professionals. Emphasis should be placed on prevention and appropriate responses to domestic violence that disrupt the workplace, including resources and referral information.



2. Training curriculum shall be developed in consultation with DHRM and the Department/Agency Domestic Violence Response Committee. The Office on Violence Against Women and Families may be contacted to provide assistance in the area.

## **II. Procedures**

Any employee who threatens, stalks, harasses or abuses a cohabitant at the workplace or from the workplace using any State resources such as State time, workplace phones, FAX machines, mail, e-mail, or other means will be subjected to disciplinary action pursuant to DHRM Rule R477-10-2 and R477-11.

### **A. Counseling**

1. An employee who is the victim of domestic violence and who needs assistance is encouraged to contact his or her supervisor, human resource officer, Employee Assistance Program (EAP) representative, or department advocate so that the employee and the employer or the department/agency may take appropriate measures regarding safety, security, referral for assistance to a domestic violence service provider, a victim advocate program and, if necessary, to a shelter. Employees who have reason to believe they may be subject to future domestic violence should also seek assistance.
2. Employees who are perpetrators of domestic violence are encouraged to seek assistance and contact their supervisor, human resource officer or EAP officer. Any treatment referrals by management shall be made to a domestic violence perpetrator treatment provider. It is the responsibility of the employee to incur costs

associated with participation in an outpatient perpetrator treatment program. Any exceptions will be according to established agency policies, procedures and the law.

## **B. Confidentiality**

Any information received by management or another employee regarding an employee who is a victim of domestic violence shall be confidential as allowed by law.

All records concerning a domestic violence situation are to be maintained by OHR/EAP and are specifically not to be located in a complainant's personnel file. All state employees shall report any child abuse or vulnerable adult abuse to the proper authorities, as required by law.

## **C. Safety Procedures**

Workplace safety procedures shall be in accordance with Department/Agency Workplace Violence Policy. If agency management becomes aware of a violation of a **Protective Order** in the workplace, that violation shall be reported to law enforcement and DHRM or other qualified person shall be contacted to formulate a safety plan with employee/victim.

## **D. Work Adjustments**

1. **Victim** – If an employee is a victim of domestic violence and as a result needs to be absent from work to obtain or arrange for medical care, counseling, legal consultation, criminal and/or civil court proceedings, or relocation, management may grant the employee flexibility to arrange the work schedule in order to prevent lost wages in accordance with DHRM rules and procedures.

2. **Abuser** – Management may adjust an employee's work schedule to allow the employee to attend an outpatient domestic violence perpetrator treatment program.

#### **E. Referrals**

1. Managers should coordinate with Employee Assistance Program practitioners, if available, to facilitate referrals for victims in the workplace to local community domestic violence programs. EAP practitioners should provide information regarding available services to victims and abusers, including resources within existing health plans. Managers and practitioners can also consult with the Office on Violence Against Women and Families for resources, information and/or training.
2. Management shall display in locations of high visibility, information on domestic violence to include the current hotline or information referral number for domestic violence victim and perpetrator service resources, 1-800- 897-LINK (5465).